

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claim 1 but do not add any claims. Applicants withdraw Claim 4-14 as these claims are directed to a non-elected species pursuant to 37 CFR 1.142(b). Accordingly, Claims 1-3 are pending.

I. Claims Objection

Applicants amend Claim 1 to correct the informalities “columns” identified by the Examiner. Approval of this amendment is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 112

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to define the terms “large track” and “small track.” Applicants respectfully submit that the definition for both terms can be found in the specification at page 7, lines 5-8, which states “[t]he small tracks 33-35 indicate fine tracks being the minimum unit for recording/reading data. The large tracks 31 and 32 indicate tracks having a size similar to the width of the probes 10 column.” Further explanations and examples of both terms are provided at page 7, lines 9-19. Given a disk media and a column of probes, a skilled artisan would be able to ascertain the minimum recording/reading unit (i.e., the small tracks) from the physical configuration of the probes and to determine the width of the probe column (i.e., the large tracks). Thus, the terms “large track” and “small track” should not fail for indefiniteness. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-3 are requested.

III. Claims Rejected Under 35 U.S.C. § 102

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japan Patent Publication No. JP-07-210903 applied for by Ueda et al. (“Ueda”). Applicants respectfully traverse the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, Claim 1 recites "... a region on which data can be recorded on the disk media, which is divided into small tracks and large tracks" and "said probe column between the small tracks and the large tracks is moved by a dual driving control device in which high resolution movement and lower resolution movement are integrated." Applicants respectfully submit that Ueda at least does not teach these elements.

Ueda does not teach a probe column moved by a dual driving control device. At most, Ueda teaches an X direction drive piezo 6 controlling the movement of a pickup 3 having a plurality of probe groups 8 (paragraph [0012] and Figures 1 and 2). If for the sake of argument the pickup 3 is characterized as the probe column, the pickup 3 is moved by a piezo 6, not a dual driving control device in which high resolution movement and lower resolution movement are integrated. The piezo 6 is at most a single driving control device which expands or contracts when an electric field is applied. Thus, there is no notion of dual driving control or high/low resolution movement in the teaching of Ueda.

Further, Ueda does not teach a region of a disk media divided into small tracks and large tracks as recited in Claim 1. Ueda fails to mention the record medium 1 having tracks of different sizes. Thus, Ueda does not teach each of the elements of Claim 1. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 1 are requested.

Claims 2 and 3 depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Ueda does not teach each of the elements of Claims 2 and 3. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 2 and 3 are respectfully requested.

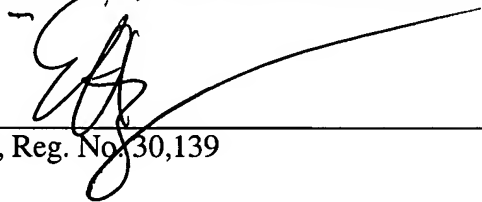
CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 4, 2005


Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 4, 2005.


Nadya Gordon 8/4/05
August 4, 2005